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5 *Attorneys for Plaintiff, Deutsche Bank National Trust Company, As Trustee For The Holders of*  
6 *GSAMP Trust 2005-AHL Mortgage Pass-Through Certificates, Series 2005-AHL*

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 DEUTSCHE BANK NATIONAL TRUST  
10 COMPANY, AS TRUSTEE FOR THE  
11 HOLDERS OF GSAMP TRUST 2005-AHL  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-AHL,

Case No.: 2:19-cv-00303-GMN-EJY

**STIPULATION AND ORDER TO STAY  
CASE PENDING APPEAL**

12 Plaintiff,

13 vs.

14 WESTCOR LAND TITLE INSURANCE  
COMPANY,

15 Defendant.

17 Plaintiff Deutsche Bank National Trust Company, As Trustee For The Holders of  
18 GSAMP Trust 2005-AHL Mortgage Pass-Through Certificates, Series 2005-AHL (“Deutsche  
19 Bank”), and Defendant Westcor Land Title Insurance Company, (“Westcor”) (collectively, the  
20 “Parties”), by and through their counsel of record, hereby agree and stipulate as follows.  
21

22 **WHEREAS**, there are now currently pending in the United States District Court for the  
23 District of Nevada more than three dozen actions between national banks, on the one hand, and  
24 their title insurers, on the other hand (the “Actions”);

25 **WHEREAS**, each of the Actions involves a title insurance coverage dispute wherein the  
26 national bank contends, and the title insurer disputes, that a title insurance claim involving an  
27 HOA assessment lien and subsequent sale was covered by a policy of title insurance;

1           **WHEREAS**, in virtually all of these Actions, the title insurer underwrote an ALTA 1992  
2 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9  
3 Endorsement and either the CLTA 115.1/ALTA 4 Endorsement or the CLTA 115.2/ALTA 5  
4 Endorsement (the “Form Policy”);

5           **WHEREAS**, each of the Actions implicates common questions of interpretation of the  
6 Form Policy;

8           **WHEREAS**, the national bank in one of these actions has now appealed a judgment of  
9 dismissal to the Ninth Circuit Court of Appeals, *Wells Fargo Bank, N.A. v. Fidelity National*  
10 *Title Ins. Co.*, Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-  
11 WGC) (the “*Wells Fargo II Appeal*”);

13           **WHEREAS**, the Parties anticipate that the Ninth Circuit Court of Appeals’ decision in  
14 the *Wells Fargo II Appeal* will likely touch upon issues regarding the interpretation of the Form  
15 Policy and the reasonableness of the insurer’s denial, that could potentially affect the disposition  
16 of the other Actions, including the instant action;

18           **WHEREAS**, Deutsche Bank previously moved to stay the instant action pending the  
19 disposition of the *Wells Fargo II Appeal* [ECF No. 42] (the “Motion to Stay”);

20           **WHEREAS** both of the Parties intend that the instant Stipulation is to withdraw and  
21 replace the previously filed Motion to Stay;

22           **WHEREAS** both of the Parties agree that it is appropriate and desirous to stay the instant  
23 action pending the disposition of the *Wells Fargo II Appeal*, that a stay of the instant action will  
24 not prejudice either of the Parties, and that a stay of the instant action will best serve the interests  
25 of judicial economy (given the possibility that the Ninth Circuit Court of Appeals’ decision on  
26 the *Wells Fargo II Appeal* might affect the disposition of this case);

1           **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby  
2 stipulate and agree as follows:

3           1. The instant action shall immediately be **STAYED**, pending the disposition of the *Wells*  
4           *Fargo II Appeal*.

5           2. The scheduling order previously entered in this action is hereby **VACATED**.

6           3. Each of the Parties shall be excused from responding to any now-outstanding  
7           discovery requests propounded by the other until after the stay is lifted.

8           4. Any now-pending deadlines to file responses to, or replies in support of, any  
9           outstanding motions are hereby **VACATED**.

10           5. By entering into this stipulation, neither of the Parties is waiving its right to  
11           subsequently move the Court for an order lifting the stay in this action.

14           DATED this 16<sup>th</sup> day of January, 2020.

15           **WRIGHT, FINLAY & ZAK, LLP**

16           /s/ Lindsay D. Robbins  
17           Lindsay D. Robbins, Esq.  
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21           Attorney for Plaintiff Deutsche Bank  
22           National Trust Company, As Trustee For  
23           The Holders of GSAMP Trust 2005-AHL  
24           Mortgage Pass-Through Certificates,  
25           Series 2005-AHL

26           **IT IS SO ORDERED.**

27           **IT IS FURTHER ORDERED** the  
28           Defendant's Motion to Dismiss, (ECF  
No. 7), Motion for Leave to File  
Supplemental Authority, (ECF No. 28),  
and Plaintiff's Motion to Stay, (ECF No.  
42), are **DENIED as moot**.

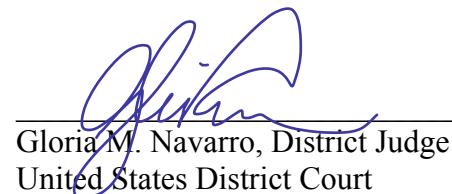
29           **IT IS FURTHER ORDERED** that the  
30           parties shall file a joint status report  
31           every ninety days, beginning on March  
32           9, 2020, addressing the status of the  
33           *Wells Fargo II Appeal*.

14           DATED this 16<sup>th</sup> day of January, 2020.

15           **RESNICK & LOUIS, P.C.**

16           /s/ Sue Trazig Cavaco  
17           Sue Trazig Cavaco, Esq.  
18           Nevada Bar No. 6150  
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23           Attorneys for Defendant, Westcor Land Title  
24           Insurance Company

25           Dated this 16 day of January, 2020.



26           Gloria M. Navarro, District Judge  
27           United States District Court